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REPORT OF THE SECURITY COUNCIL MISSION TO JAKARTA AND DILI, 8 TO 12 SEPTEMBER 1999

I. OBJECTIVES OF THE MISSION

1. The Security Council Mission dispatched to Jakarta and Dili from 8 to 12 September 1999 was entrusted with the task of discussing with the Government of Indonesia concrete steps for the peaceful implementation of the 5 May Agreement (S/1999/513). The Mission was to welcome the undertaking by the Government of Indonesia to fulfil its obligations under the 5 May Agreement, but to note that the Government's efforts so far had not been able to prevent an intensification of violence in the Territory. It was to state its particular concern at the recent campaign of violence against the United Nations Mission in East Timor (UNAMET) and urge the Government to ensure security and to allow UNAMET to implement its mandate without hindrance. The Mission was asked to stress that the people of East Timor had made a clear choice in favour of independence, that their will must be respected and that the international community looked forward to working with the Government of Indonesia in bringing East Timor to independence.

II. COMPOSITION OF THE MISSION

2. The Mission was composed of the following members:

Ambassador Martin Andjaba (Namibia), Head of mission

Ambassador Hasmy Agam (Malaysia)

Minister Alphons Hamer (Netherlands)

Ambassador Danilo Türk (Slovenia)

Ambassador Jeremy Greenstock (United Kingdom of Great Britain and Northern Ireland)

Mr. Francesc Vendrell (United Nations Secretariat), Deputy Personal Representative of the Secretary-General

III. PROGRAMME AND SUMMARY OF MEETINGS

3. Briefing by United Nations and UNAMET staff (8 September). In the briefings, staff described unequivocally the deterioration in the security and humanitarian situation in East Timor since the announcement of the result of the ballot, in contrast with the attempt by the Indonesian authorities to give a reassuring account. This and other briefings left the Mission in no doubt that large elements in the military and police authorities had been complicit in organizing and supporting the action of the militias.

4. Meeting with Foreign Minister Alatas (8 September). The Mission conveyed to Foreign Minister Alatas the grave concern of the Security Council over the current situation in East Timor and expressed its wish to work with the Government in a spirit of pragmatism and cooperation to address the security and humanitarian situation. The Mission emphasized the need to ensure that UNAMET and international relief organizations would be allowed to return to East Timor and carry out their functions fully. A final withdrawal of UNAMET would send a very bad signal of the failure of the Government to stabilize the situation. Foreign Minister Alatas expressed Indonesia's shared concern over the crisis in East Timor, but insisted that while the Government would welcome any assistance in providing humanitarian relief, it would not contemplate any foreign military presence in East Timor before the Indonesian Parliament met and addressed the outcome of the popular consultation. Until then, Indonesia should be allowed to resolve the security situation. The Mission stressed that if the situation were to continue deteriorating while the Government did not accept the offer of help from the international community, Indonesia would be subjected to severe international criticism.

5. Meetings with the Jakarta diplomatic corps (8 and 10 September). The Mission discussed the current situation in East Timor with Jakarta-based ambassadors. A number of ambassadors firmly underscored the complicity by the Indonesian military and police in the actions of the militia and described a coordinated campaign to rid the Territory of all foreign presence. Concerns were also expressed that the Government no longer had control over the military, at least with respect to the situation in East Timor, where the military was wilfully contradicting the policy of the Government. The ambassadors strongly supported the idea of the visit of the Mission to East Timor. They expressed doubts that the Government would agree to cooperate with an international security force in East Timor. Following the Mission's visit to East Timor, the ambassadors were briefed on the Mission's findings.

6. Meeting with Madam Megawati Soekarnoputri (8 September). The Mission explained its objectives and asked Madam Megawati to refrain from treating any emerging willingness of the Government of Indonesia to accept an international security presence as a stick with which to beat the Government. She agreed, but declined to make a public statement in support of the idea of international intervention. She criticized President Habibie strongly for agreeing to the 5 May Agreement process when, as she alleged, his legitimacy as leader of Indonesia was fading away. The Mission declined to enter into the domestic political aspects.

7. Meetings with Mr. Xanana Gusmao (9 and 12 September). Mr. Gusmao appealed in the strongest terms to the Mission to act immediately to save lives in East Timor. He stated categorically that East Timor was not in a state of civil war; rather, it was suffering what amounted to a campaign by the military to exterminate East Timorese and lay waste to its cities, possibly with the intent to partition the Territory. He reported that 12 battalions of the Indonesian Armed Forces (TNI) had entered the Territory from West Timor, and stated that, should that "invasion" reach the westernmost of Falintil's four cantonment sites, Falintil would have no choice but to defend itself. There were currently thousands of internally displaced persons seeking refuge at the cantonment sites. Following the Mission's visit to Dili, representatives of the Mission called upon Mr. Gusmao to brief him on the situation on the ground. When it became evident that the Government was about to announce its willingness to cooperate with the international community, Mr. Gusmao was encouraged to issue a statement in measured and conciliatory terms.

8. Meeting with President Habibie (9 September). The Mission conveyed to the President that the situation in East Timor had gone far beyond the acceptable and asked him to consider the offer of assistance from the international community. President Habibie rejected any foreign military presence before the Indonesian Parliament had acted on the consultation result. He said that would send the wrong signal to Indonesians regarding the military and risk the Balkanization of Indonesia. The Mission underlined the fundamental point that the degree of confidence which the Security Council would have in Indonesian actions would be directly related to the extent to which UNAMET could deploy and operate normally. The President agreed that it was essential to keep UNAMET in East Timor and maintained that security for the UNAMET compound would be redoubled and its water and food needs met. The Mission reached agreement with the President that it would travel to Dili, both to assess the situation first-hand and to show its support to UNAMET. On preparations for phase III, the Mission suggested that bringing forward the preparation of the security element of the United Nations share of the responsibility for the Territory would be a way of contributing to the maintenance of security in phase II. President Habibie rejected the idea.

9. Meeting with Defence Minister General Wiranto and the General Staff (9 September). While acknowledging that there were problems in East Timor, General Wiranto stated that TNI was committed to handling the situation, however complex. After the results of the balloting were announced, the pro-integration group, concerned about what it considered to be biased behaviour on the part of UNAMET staff, had erupted into violence. A further complication was that a substantial number of the police and military in East Timor were local East Timorese and were thus, in his words, "understandably" against independence. Linguistic and cultural differences, coupled with the size of the territory, had made the work of TNI more difficult. General Wiranto had full confidence that martial law would allow his forces to stabilize the situation and begin to tend to the needs of the refugees. In his view, pro-integration anger at UNAMET was so high that the situation would only deteriorate further if United Nations troops were brought in at the current stage. The Mission contested his analysis throughout and pointed to the lack of political will on the part of the Government. News reports received during the meeting, telling of violence

against the UNAMET compound, graphically illustrated the General's misplaced confidence.

10. Meeting with Indonesian NGO representatives (10 September). A group of Indonesian NGO leaders met with two members of the Mission to convey their concerns and discuss the situation in East Timor. The group presented a joint statement signed by 15 NGOs calling for: immediate Security Council meetings to decide on the dispatch of a peacekeeping force to East Timor; concrete steps by the Government to stop the violence in East Timor by complying with the 5 May Agreement and arresting militias; and the immediate lifting of the martial law in East Timor by the Government of Indonesia.

11. Visit to Dili (11 September). The Mission had highly useful meetings with local military commanders, toured the town and visited the UNAMET compound. It also met with Bishop Nascimento. While there were no security incidents during the period of the visit, the Mission was left with a strong sense of shock at the destruction which had taken place, concern at UNAMET's severe loss of confidence in the security provided by the local forces and distress at the desperate state of the displaced population. A large media party represented this to the outside world. During the course of the visit, it became clear that General Wiranto's views had also undergone a change.

12. President Habibie's press statement and the Mission's visit with the President (12 September). Shortly before a scheduled visit with the Mission, President Habibie announced to the press that while the Indonesian defence forces had done their utmost under very difficult and complex circumstances to stabilize the situation in East Timor, they had had to recognize that there were limits to what they could further achieve. He had therefore informed the Secretary-General of Indonesia's readiness to unconditionally "accept international peacekeeping forces through the United Nations from friendly nations to restore peace and security in East Timor, to protect the people and to implement the results of the direct ballot of 30 August 1999". Foreign Minister Alatas would travel to New York to prepare for the implementation of the cooperative effort between the United Nations and the Government of Indonesia.

13. During the subsequent meeting with the Mission, the President expressed his Government's willingness to allow for evacuation to Australia of the internally displaced persons in the UNAMET compound; to facilitate air drops of food and other necessities to other internally displaced persons in the hills; as well as to ensure that Falintil would not come under attack by the militias.

IV. ANALYSIS

14. Reports by the Secretary-General to the Security Council during phase I of the popular consultation described the impunity with which pro-autonomy militias were allowed to carry out violent activity. It was apparent to the Mission, through its own observation and through discussion with United Nations staff, that this activity could not have occurred without the involvement of large elements of the Indonesian military and police. Briefings by UNAMET staff in Jakarta and Dili described how, during post-consultation violence which forced

the closure of UNAMET's regional offices, there were clear instances when police and TNI forces stood aside to allow militias into towns to conduct organized and coordinated campaigns of arson and terror. One aim of this was to rid the Territory of any international presence, including UNAMET, humanitarian workers and the media, thereby limiting outside observation. Another was to implement a coordinated, forced relocation programme in which tens of thousands of East Timorese have been moved to West Timor. There were consistent reports of the direct involvement of large elements of TNI and the police in this forced relocation campaign. The organized and coordinated nature of this campaign, the Territory-wide effort to force out UNAMET and other international presences and the lack of adequate response to militia violence despite the overwhelming superiority of TNI and the police all support the view that militia activities were organized and supported by parts of TNI.

15. There was clearly a disconnect between the situation on the ground and the assessment of the situation in East Timor as presented by President Habibie and his senior advisers. They described the post-ballot violence as stemming from disgruntled pro-autonomy supporters angry at perceived UNAMET bias, with the Indonesian military struggling to resolve the latest expression of long-standing strife between East Timorese. However, as outlined above, the widespread destruction on the ground was the result neither of popular sentiment nor of civil war. Rather, there were clear signs that the evidence could, as many UNAMET staff described it, be "switched on and off". During its 11 September meeting with Defence Minister General Wiranto, the Mission received word that militias were at that very moment attempting to loot vehicles from the UNAMET compound. When General Wiranto had his staff check on the situation, he was apparently told at first that the situation at the compound was normal, despite the seriousness of the actual circumstances. The Mission had the distinct impression that when the General travelled to Dili along with the Mission and toured the city, he had not been prepared for the extent of the destruction. Accurate first-hand information as to the situation on the ground may well have contributed to the change in Government policy.

16. It was clear to the Mission that martial law, implemented on 7 September, had not succeeded in stabilizing the situation. In Dili, there appeared little left for the militias to loot by the time of the arrival of the Mission on 11 September. Despite assurances by the authorities that UNAMET's security would be a prime objective of martial law, on 10 September, Aitarak militia were allowed freely past TNI and police checkpoints into the environs of the UNAMET compound. UNAMET then observed TNI soldiers assisting the militia in their attempt to loot UNAMET vehicles. When UNAMET military liaison officers came under direct threat and demanded that TNI act to stop the militiamen, the TNI soldiers informed them that they had no orders to shoot the militia. Direct evidence such as this, as well as the destruction of the city as a whole, made nonsense of the argument that martial law might solve the problem of the violence which had befallen East Timor.

17. It was also apparent that the introduction of martial law had been unable to respond adequately to the humanitarian crisis in East Timor, despite assurances by the authorities that that had been one of its aims. The campaign of militia terror and forced relocation had created a crisis which was largely unobserved and unobservable at the time of the Mission. It has gone largely

unreported that considerable numbers of militiamen entered East Timor from West Timor to bolster the actions of the militia there. There were widespread reports of militias taking pro-independence supporters and activists from the displaced populations in transit and in West Timor. There were also reports that the tens of thousands of East Timorese who had fled to the Falintil cantonment sites and elsewhere in East Timor were perilously close to starvation.

V. CONCLUSIONS

18. It became increasingly clear to the Mission during its visit that the accounts given by the Government of events in East Timor and of action taken by Indonesia to carry out its responsibilities under the 5 May Agreement did not tally with the briefings provided by United Nations staff and senior diplomatic representatives in Jakarta and Dili, nor with events observed on the ground. Confronting the Government with its lack of credibility in this regard contributed to the development of policy in a positive direction.

19. The involvement of large elements of the Indonesian military and police in East Timor in organizing and backing the unacceptably violent actions of the militias has become clear to any objective observer and was acknowledged publicly by the Minister of Defence on 11 September. The repeated failure of the defence forces, in spite of their undoubted capability, to carry out the Government's obligations and assurances to provide security to UNAMET, international organizations and the population as a whole meant that the Indonesian authorities were either unable or unwilling to provide the proper environment for the peaceful implementation of the 5 May Agreement. The introduction of martial law on 7 September did not alter this state of affairs. Cooperation between the Government of Indonesia and the international community therefore became essential for effective implementation; and the Government's recognition of this on 12 September is to be welcomed. This cooperation must be directed above all to providing security and basic needs to all sections of the East Timorese population without discrimination and to the refugee population in West Timor.

20. In humanitarian terms, the situation of the majority of the population in East Timor and of the refugee population in West Timor is extremely grave. While further detailed analysis and assessment is necessary, there is an urgent need to address this problem, ideally with the full cooperation of the Indonesian authorities. Action is needed to deter further violence by the pro-autonomy militias or clashes between the militias and the pro-independence Falintil.

21. There is strong prima facie evidence of abuses of international humanitarian law committed since the announcement of the ballot result on 4 September. This needs further investigation. UNAMET's report of 11 September (see annex) is relevant in this respect.

22. Although the Mission made it unequivocally clear that the security and operability of UNAMET was an important criterion of Indonesian performance in carrying out its responsibilities, the relevant authorities allowed UNAMET's

situation to deteriorate during the Mission's stay. UNAMET's security will need to be kept under constant review, and evacuation of Dili arranged if necessary, until an international security force is present on the ground. The security and welfare of the internally displaced persons (IDPs) in the UNAMET compound require special attention.

23. The Security Council Mission pays tribute to the Head of UNAMET and to its staff, and to the members of United Nations and international humanitarian organizations still working in and on East Timor, for their courage and determination in upholding the standards and practices of the United Nations in appalling circumstances.

24. Preparation of United Nations action to fulfil its responsibilities under phase III of the 5 May Agreement could be advanced to dovetail with the enhanced security to be provided by international security cooperation in phase II.

25. Consideration should be given to the regional and international importance of Indonesia and to Indonesia's need for support in its transition to full democracy and a successful market economy. This is an extremely sensitive time in internal Indonesian politics. But the problem of East Timor demands priority because of the intensity of its humanitarian crisis and because of ineffective Indonesian action so far in responding to Security Council resolutions implementing the 5 May Agreement. These two factors could be brought together because the implementation of the 5 May Agreement will contribute to the successful process of transition for Indonesia.

26. This Mission of the Security Council was above all dedicated to helping the Government of Indonesia to develop its understanding of the international community's perception of the East Timor crisis. Our task was significantly assisted by the Government's realization that the international community gave priority to East Timor and was beginning to take action to signal this in concrete terms. The Indonesian Government's announcement of 12 September was the result. The work of the Security Council Mission should be viewed in that wider context.

VI. RECOMMENDATIONS

27. The Mission submits the following recommendations for the consideration of the Security Council as a result of its visit to Jakarta and Dili from 8 to 12 September 1999:

(i) The grave humanitarian crisis in East Timor should be given the topmost priority by the United Nations, in terms both of supply of basic needs to the displaced population, including in West Timor, and of insistence that the Government of Indonesia provide access and security to United Nations and international humanitarian organizations;

(ii) The Security Council should welcome the decision of the President of Indonesia to invite an international peacekeeping force to cooperate with Indonesia in restoring peace and security in East Timor and

should adopt a resolution without delay to provide a framework for the implementation of that proposal;

(iii) The Secretary-General, advised by his Special Representative in East Timor, should consider reducing to a minimum, or if necessary evacuating, the UNAMET deployment in Dili before the arrival of an international security presence, provided that the safety and welfare of the IDPs in the UNAMET compound has been satisfactorily arranged;

(iv) The Security Council should consider authorizing an advance party of the international security presence to undertake urgent and essential tasks in and around Dili related to UNAMET and the provision of humanitarian supplies;

(v) The Secretary-General should be invited to submit plans for the advance preparation of United Nations action in phase III in ways which contribute to the more effective implementation of phase II under the new circumstances;

(vi) The Security Council should hold the Government of Indonesia to its obligations under phase II of the 5 May Agreement, both before and after the arrival of an international security presence, with particular insistence on the proper care of IDPs and on curtailing the role of the militias and preventing any clashes between the militias and Falintil;

(vii) The Security Council should institute action for the investigation of apparent abuses of international humanitarian law on the ground in East and West Timor since 4 September.

Annex

The destruction of East Timor since 4 September 1999: report prepared by UNAMET on 11 September 1999

1. The events witnessed in East Timor since 4 September 1999 represent the fulfilment of the worst threats made by the pro-autonomy campaigners and their Indonesian Government supporters. In the guise of a backlash against the vote for independence, what has actually happened is nothing less than a systematic implementation of a "scorched earth" policy in East Timor, under the direction of the Indonesian military.

2. A detailed assessment of the situation in East Timor is impossible at this time. The United Nations Mission in East Timor (UNAMET) has been completely pinned down in the headquarters compound and, except for certain essential tasks, has been unable to make any direct observation in Dili, let alone in the rest of the Territory. We receive many unconfirmed reports of deaths and major atrocities, some of which, thankfully, have proved to be unfounded. The following conclusions come from our cautious assessment of a variety of sources of information.

Widespread destruction

3. In Dili it would appear that virtually every home or building has been systematically looted of its contents, and a large proportion of them have been burned. The central business district has been entirely gutted. Militias and TNI soldiers have been observed over the past few days loading trucks with equipment and supplies taken from these homes, and the dock in Kupang, West Timor, is said to be bulging with kitchen appliances for sale. We believe that similar situations exist in other regions, such as Aileu, Ermera and Maliana.

Forced displacement

4. Similarly, reports have been received from all over the western part of East Timor of massive forced displacement of the population to refugee camps in West Timor. The preparation of such camps was publicly announced by General Wiranto in late August, ostensibly to receive the mass of people who would be voluntarily fleeing East Timor in the aftermath of the vote. It now appears that efforts are under way to permanently disperse these people all around Indonesia. But the terror has not ended with their displacement. We have reliable and corroborated reports that the militia/TNI are at this moment combing the refugee camps with lists looking for students, intellectuals and activists, then taking these people away.

5. The entire urban population of Dili has either fled to the hills or been forcibly relocated outside of East Timor. There are unconfirmed reports that a triage was performed before departure, and that large groups have disappeared. We have received reliable eyewitness testimony that people were carefully checked and interrogated during transit, and that certain individuals were killed and thrown overboard. In Kupang there are reportedly tens of thousands of internally displaced persons (IDPs), and a large East Timorese militia

presence is roaming the streets, terrorizing the local population, and the East Timorese IDPs in particular.

6. In our view, this massive forced relocation outside of East Timor has been designed to give the impression of large-scale dissatisfaction with the vote, a situation of civil war, and to bring large groups of the population under Indonesian control away from the spotlight of international attention. But it cannot be ruled out that these are the first stages of a genocidal campaign to stamp out the East Timorese problem by force.

Selective execution of students, intellectuals and activists

7. In addition to the killings reported as part of the relocation programme, there are many reports of deaths in East Timor. In particular, many pro-independence activists and other community leaders, including the clergy, are feared to have been killed in reprisal for their support, real or implied, for the independence option. There are also reports of mass killings in various locations, including Dili and the IDP camp in the church in Suai.

8. It is clear that these crimes against humanity are part of a "scorched earth" policy. The reduction of East Timor to rubble, aside from teaching the East Timorese a lesson and sabotaging their chances of a successful transition to independence, sends a warning to other potential breakaway regions of Indonesia. But the worst may be yet to come. Much of the population remains very vulnerable to starvation or attack. The pro-independence guerrillas are, as far as we know, still concentrated in certain areas, and the political leadership is concentrated in Dare, quite close to Dili. Food and water shortages are becoming critical, and we cannot rule out further military operations against these populations.

9. This destruction has not been conducted by frustrated and insecure civilians. That is the myth which the Indonesian authorities are striving to convey. The evidence for a direct link between the militia and the military is beyond any dispute and has been overwhelmingly documented by UNAMET over the last four months. But the scale and thoroughness of the destruction of East Timor in the past week has demonstrated a new level of open participation of the military in the implementation of what was previously a more veiled operation. This open military role has now been legitimized by the invocation of martial law.